

To: Tejada, Matthew[Tejada.Matthew@epa.gov]
From: Ric Berkholtz
Sent: Tue 10/25/2016 4:20:46 AM
Subject: My Message to Department of Justice

Hello,

I wanted you to see this because I believe it matters to EPA.

Ric Berkholtz

Hello,

I am a college student and an ally of the Water Protectors demonstrating against the Dakota Access Pipeline and I'm concerned about the excessive use of force against peaceful demonstrators by Morton County Police Department and private security officers with the Dakota Access oil company.

To date, over 127 people have been arrested by militarized police forces. And by militarized police forces, I mean they have an MRAV (Mine Resistant Armored Vehicle), riot police in full gear armed with pepper spray, mace, a fire hose that sprays tear gas, rubber bullets, National Guard personnel, and private security militia armed with automatic, semi-automatic rifles and shotguns. They use inhumane tactics; strip searching women, tribal leaders, and even teenagers. They have also been violating the 1st amendment of the US Constitution which defends freedom of the press. The officers specifically target the journalists and reporters who have footage of their excessive use of force. That is what happened with Amy Goodman from Democracy Now! back in September; she had footage of attack dogs being unleashed on the Water Protectors.

They have shot down media drones belonging to the Water Protectors which is illegal according to the FAA. Morton County and other counties in North Dakota are using fear tactics in order to dissuade non-Natives from helping the Water Protectors; propaganda meant to make Americans feel sorry for the police and not for the Water Protectors or to demonize the Water Protectors by saying that they're harassing the officers. The Water Protectors are trying to tell the officers that they are not the enemy, but the officers reply with nothing but force.

What the officers are doing might seem legal, but it isn't. Rubber bullets are meant for criminals.

I know cause I took a citizenship academy course back in February of 2014. S.W.A.T teams use rubber bullets when they want to do non-lethal take-downs while entering a building.

I have noticed a pattern with Morton County's charges. First they arrest a victim for trespassing, then they change the trespassing charge to inciting riot. They are desperately trying to charge people with felonies that hold no ground. I'm concerned that the degree of force present in North Dakota is also racially motivated. Even the CEO of Dakota Access has referred to the Water Protectors as "dirty Natives."

On social media there have also been hateful and racist comments directed at Water Protectors, including the infamous R-word which is just as bad as the N-word. These are just several factors that warrant monitoring and investigation by the Department of Justice.

The locating of and "not in my backyard" pipeline across lands occupied by underserved, underrepresented, and marginalized communities is an example of executive order 12898 issued by President Clinton in 1994. The purpose of this order is to focus (Federal attention on the environmental and human health effects of Federal actions on minority and low-income populations with the goal of achieving environmental protection for all communities).

I assert that the Army Corps of Engineers erred in its determination and issuing of permits to allow the construction of the DAPL further the destruction and desecration of tribal cultural and sacred remains of their ancestors cannot go unpunished. If it was me, I would issue an immediate cease and desist order and appropriate charges brought for those who have destroyed the tribal resources.

Lastly, I must mention the 1851 Treaty of Fort Laramie. The Water Protectors, in light of the recent events, have claimed eminent domain over lands that were and technically are supposed be tribal. The 1851 Treaty highlights the borders of what the true Lakota lands were supposed to look like and should look like today. It stretches from southwestern North Dakota, into part of eastern Wyoming, down to the North Platte River in Nebraska, and north into Western South Dakota. Soon tribal chairpersons will be meeting with President Obama about negotiating this eminent domain. The borders of the 1851 Treaty must be restored to the Lakota. Any attempt by Dakota Access to continue the construction of DAPL through that territory must be severely dealt with.

To conclude, the excessive use of force by Morton County Police Department and private security working for DAPL must be investigated, monitored, and dealt with appropriate penalties and repercussions.

Sincerely,

Ric Berkholtz

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